

Appl. No. : **10/613,596**
Filed : **July 3, 2003**

REMARKS

In response to the Office Action mailed September 25, 2006, Applicant has amended the application as above. No new matter is added by the amendments as discussed below. Applicant respectfully requests the entry of the amendments and reconsideration of the application in view of the amendments and the remarks set forth below.

Claim Amendments

Claims 1, 29, 67, and 95 have been amended, and Claims 10-14, 36-66, 76-80, and 102-132 have been cancelled without prejudice. Claims 1-9, 15-35, 67-75, and 81-101 are now pending in this application. The amendments to the claim set are supported by, for example, paragraphs 46, 67-69, 72-79, 81-83, and 89-93, Figs. 2, 5-6, and 8, and cancelled Claims 11 and 77. Furthermore, the amendments to the claims do not introduce any new matter. Entry of the amendment is respectfully requested.

Claims Rejections under 35 U.S.C. § 102(b)

Independent Claims 1 and 67 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lokoff (US 6,754,354). In response, Claims 1 and 67 have been amended.

Lokoff relates to an audio system comprising a sender device and a receiver device. In Lokoff, the sender device initially sends a low quality signal to the receiver device. The sender device also sends a message to the receiver device to determine whether to send a high quality signal instead of the low quality signal to the receiver device. The “receiver device reacts to this message by sending back a message denoting authorization for receiving high quality audio signals.” (column 3, lines 18-20). Nowhere does Lokoff describe the receiver device “manipulating the audio signal” based on the message sent to the receiver device. In Lokoff, the sender device sends a different quality signal based on the message sent by the receiver device.

In contrast, Claims 1 and 67 both recite, for example, “the receiver module manipulating the audio signal based on the extracted control signal.” Further, Claim 1 recites, for example, “a powerline module located in the housing and configured to convert a powerline signal received via a powerline network into a combined signal.” Claim 67 recites, for example, “a powerline

Appl. No. : **10/613,596**
Filed : **July 3, 2003**

module configured to convert a powerline signal received via a powerline network into a combined signal.” At least these features are not disclosed in or taught by the applied reference.

The applied prior art of record does not cure the deficiencies in Lokoff. For example, Karny et al. relates to an electric company’s power meter that is located between an external powerline network and an internal home network. In contrast, each of Claims 1 and 67 relates to a device that converts a powerline signal into a combined signal that includes both audio and control signals. Nowhere does Karny disclose converting a powerline signal into a combined signal that includes both audio and control signals.

Karny mentions that signals for updating qualification parameters of the electric power, such as diurnal distribution and pricing related aspects, can be sent to the electric meter. (See paragraph 0015, lines last four lines). However, nowhere does Karny describe a “receiver module manipulating the audio signal based on the extracted control signal.”

Accordingly for at least these reasons, Claims 1 and 67 are not anticipated by Lokoff. Therefore, allowance of Claims 1 and 67 is respectfully requested.

Discussion of Rejection of Claims under 35 U.S.C. § 103(a)

Dependent Claims 29 and 95 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lokoff, in view of Takahashi (US 5,428,341) and further in view of Paschen et al. (US 20020135513). However, none of the cited references disclose or suggest “a receiver module ... configured to extract a control signal and an audio signal from the converted combined signal” where the control signal is “a phase delay associated with the audio signal” as recited in Claim 29. Claim 95 also includes a phase delay limitation.

For example, Paschen relates to “a phased array type antenna which compensates for phase and time differences between signals received at different elements of the antenna” (See Abstract of Paschen). In Paschen, the phase delay is generated at the receiver. Nowhere does Paschen describe a phase delay signal that is part of the received signals. Further, the phase delay disclosed in Paschen is measured between at least two signals received by different elements of the antenna array. Nowhere does Paschen describe a phase delay signal that is

Appl. No. : **10/613,596**
Filed : **July 3, 2003**

associated with a single audio signal. Paschen does not teach this feature and accordingly Claims 29 and 95 are separately patentable from independent Claims 1 and 67.

Therefore, it would not have been obvious to one of ordinary skill in the art to produce the invention of Claims 29 and 95 in view of Lokoff, Takahashi, and Paschen et al. Withdrawal of the rejection is respectfully requested.

Dependent Claims

Dependent Claims 2-9, 15-35, 68-75, and 81-101 depend directly or indirectly from Claims 1 and 67 and, thus, are patentable for at least the same reasons that the claim from which they depend is patentable over the art of record. Therefore, allowance of Claims 1-9, 15-35, 67-75, and 81-101 is respectfully requested.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is earnestly requested.

The undersigned has made a good faith effort to respond to all of the noted rejections and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if an issue requires clarification, the Examiner is respectfully requested to call Applicant's attorney, James Herkenhoff at (619) 687-8663 (direct line), in order to resolve any such issue promptly.

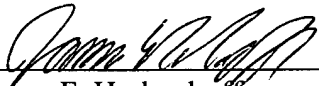
Appl. No. : 10/613,596
Filed : July 3, 2003

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 12/22/06

By: 
James F. Herkenhoff
Registration No. 51,241
Attorney of Record
Customer No. 20,995
(619) 235-8550

3209952
121306